

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14 CR 152 RWS
)	
ELIZABETH POGUE, et al.,)	
)	
Defendants.)	

and

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14 CR 187 JAR
)	
PAMELA TABATT, et al.,)	
)	
Defendants.)	

FINDING REGARDING JOINT COUNSEL UNDER F.R.CRIM.P. 44(c)

On February 23, 2015, the court conducted a hearing under F.R.Crim.P. 44(c) regarding the joint representation by attorney John Lynch of defendant Elizabeth Pogue in Case No. 4:14 CR 152 RWS/NCC and of defendant Pamela Tabatt in Case No. 4:14 CR 1878 JAR/DDN. The court advised both defendants of their right to be represented by separate, independent counsel, and, if one could not afford to retain such counsel, the court would appoint counsel to represent her.

Besides the two respective defendants, both Mr. Lynch and Assistant United States Attorneys James Delworth, Jennifer Winfield, and Erin Granger were present at this hearing. Mr. Delworth described the government's knowledge of the factual relationship between the allegations in the two cases and the fact that factual discovery was ongoing with new facts being disclosed. Mr. Lynch added his understanding of the two cases in the record. Although there appears to be some administrative and factual interrelationship between the two cases, no one

knew of any actual, factual conflict between the interests of defendants Elizabeth Pogue and Pamela Tabatt. Furthermore, each defendant signed and filed in her respective case a documentary waiver of any conflict of interest, if knowledge of such may arise in the future. Both stated their desire to be represented by attorney John Lynch.

Therefore, the court finds that there is no substantial conflict of interest known at this time which would prevent defendant Elizabeth Pogue in Case No. 4:14 CR 152 and defendant Pamela Tabatt in Case No. 4:14 CR 187 from each of them being represented by attorney John Lynch. The court further finds that defendant Elizabeth Pogue in Case No. 4:14 CR 152 and defendant Pamela Tabatt in Case No. 4:14 CR 187 have each voluntarily, knowledgeably, and intentionally, waived and executed a documentary waiver of the right to be represented by independent counsel and to have replacement counsel appointed, if they cannot afford to retain counsel.

/s/ David D. Noce

UNITED STATES MAGISTRATE JUDGE

Signed on February 23, 2015.